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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,001

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Andre Postma

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

YU, HENRY W

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,001	<b>Applicant(s)</b> POSTMA ET AL.	
	<b>Examiner</b> HENRY YU	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### **INFORMATION CONCERNING RESPONSES**

#### ***Response to Amendment***

1. This Office Action is in response to applicant's communication filed on December 21, 2009, in response to PTO Advisory Action mailed on December 31, 2009 (based on PTO Office Action mailed on October 20, 2009). The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.

2. In response to the last Office Action, **claims 1-3, 9-12, and 14-17** have been amended. **Claims 18-19** are new claims. As a result, **claims 1-19** are now pending in this application.

#### ***Response to Arguments***

Applicant's arguments filed on December 21, 2009, in response to PTO Advisory Action mailed on December 31, 2009 (based on PTO Office Action mailed on October 20, 2009), have been fully considered and are persuasive. Hence, the rejection has been withdrawn. However, upon further review a new ground of rejection has been made in view of DeGeorge (Publication Number US 2003/0135868 A1).

### **REJECTIONS BASED ON PRIOR ART**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-5, 7-9, and 12-13, and 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Strierner (Patent Number US 6,931,463 B2) in view of DeGeorge (Publication Number US 2003/0135868 A1).

As per **claim 1**, Strierner discloses “*an...system comprising one or more functionality devices (companion device that provides non-native function to a different electronic device; Column 1, lines 54-56) and an... device adapted so that the one or more functionality devices are locatable in proximity to the...device (Column 1, lines 59-65).*”

Strierner also discloses “*the...device being operable to recognize the presence of the one or more functionality devices (Column 1, lines 59-62), and, upon recognition of said one or more functionality devices, the...device being updateable with and operable to perform one or more additional functionality features associated with said one or more functionality devices and which are non-standard features of said...device (Abstract, lines 1-2) whilst said one or more functionality devices are in proximity to the...device (Column 1, lines 62-67; Column 2, lines 1-7).*”

However, Strierner does not explicitly disclose that the device in question is an “*entertainment device.*”

DeGeorge discloses an entertainment device that is capable of obtaining additional features **[Page 4, paragraph 0036]**.

Strierner and DeGeorge are analogous art in that they are from the same field of device configuration and updating.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine elements of Strierner and DeGeorge. It is noted that both Strierner and DeGeorge disclose systems which are capable of being updated by external means (functionality devices in the case of Strierner and data encoded in an outside signal in the case of DeGeorge). DeGeorge further states that it may be desirable to change the operating characteristics of a system (in this case a television receiver) through various means including the use of a smart card **[Page 1, paragraphs 0003-0004]**. Such an ability to change the operating characteristics of a system can enable a user to obtain additional features or to fix errors in existing systems program code **[Page 4, paragraph 0036]**, and hence provide greater flexibility.

As per **claim 3**, the combination of Strierner and DeGeorge discloses “*the system*” (see rejection to **claim 1** above). Strierner further discloses “*at least one of said one or more functionality devices (**companion device**) and the...device (**from the companion device’s perspective, a different electronic device**) are operable to communicate via wireless communication by using an electromagnetic signal (Column 1, lines 56-59).*”

As per **claim 4**, the combination of Strierner and DeGeorge discloses “*the system*” (see rejection to **claim 1** above). Strierner further discloses “*the*

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*electromagnetic signal is implemented using electromagnetic radiation complying with the Bluetooth standard (Column 1, lines 56-59)."*

As per **claim 5**, the combination of Striemer and DeGeorge discloses "*the system*" (see rejection to **claim 1** above). Striemer further discloses "*access to the one or more additional functionality features of said one or more functionality devices is conditional upon activation of the one or more functionality devices (from the electronic device's perspective, in order to activate the functions of the companion device a link must established, along with the proper authentication and authorization information; Column 5, lines 1-17).*"

As per **claim 7**, the combination of Striemer and DeGeorge discloses "*the system*" (see rejection to **claim 1** above). Striemer further discloses "*at least one of said one or more functionality devices is activated by using electromagnetic signal communication with an additional device (through the use of a local wireless interface in conjunction with identification mechanism; Column 5, lines 3-9).*"

As per **claim 8**, the combination of Striemer and DeGeorge discloses "*the system*" (see rejection to **claim 1** above). Striemer further discloses "*the activation is conditional upon communication of one or more codes (in order to establish a link, and hence from the electronic device's perspective activate the functionality of the companion device, authentication and authorization information are required; Column 5, lines 9-14).*"

As per **claim 9**, Striemer discloses "*a method of providing additional functionality to an...device, the method including the steps of: (a) providing an...device operable to*

*performing a set of functions (**Column 1, lines 59-65**)” and “(b) providing at least one functionality device adapted so as to be engagable in at least close spatial proximity to the...device (**Column 1, lines 59-65**).”*

*Strierner also discloses “(c) arranging for said...device to be capable of recognizing the presence of said at least one functionality device when in close spatial proximity to the...device (**Column 1, lines 59-65**)” and “(d) arranging for the...device to be updated with and to perform one or more additional functionality features associated with said at least one functionality device and which are non-standard features of said...device (**Abstract, lines 1-2**) when said at least one functionality device is brought into close spatial proximity whilst said at least one functionality device is maintained in close spatial proximity to said...device (**Column 1, lines 62-67; Column 2, lines 1-7**).”*

However, Strierner does not explicitly disclose that the device in question is an “entertainment device.”

DeGeorge discloses an entertainment device that is capable of obtaining additional features [**Page 4, paragraph 0036**].

Strierner and DeGeorge are analogous art in that they are from the same field of device configuration and updating.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine elements of Strierner and DeGeorge. It is noted that both Strierner and DeGeorge disclose systems which are capable of being updated by external means (functionality devices in the case of Strierner and data encoded in an outside signal in the case of DeGeorge). DeGeorge further states that it may be desirable to change the

operating characteristics of a system (in this case a television receiver) through various means including the use of a smart card **[Page 1, paragraphs 0003-0004]**. Such an ability to change the operating characteristics of a system can enable a user to obtain additional features or to fix errors in existing systems program code **[Page 4, paragraph 0036]**, and hence provide greater flexibility.

As per **claim 12**, the combination of Strierner and DeGeorge discloses “*the method*” (see rejection to **claim 9** above). Strierner further discloses “*said at least one functionality device (companion device) and said...device (from the companion device’s perspective, a different electronic device) are arranged to mutually communicate via wireless communication utilizing an electromagnetic signal (Column 1, lines 56-59).*”

As per **claim 13**, the combination of Strierner and DeGeorge discloses “*the method*” (see rejection to **claim 9** above). Strierner further discloses “*the electromagnetic signal complies with the Bluetooth standard (Column 1, lines 56-59).*”

As per **claim 18**, the combination of Strierner and DeGeorge discloses “*the system*” (see rejection to **claim 1** above). DeGeorge further discloses “*said entertainment device is selected from the group consisting of a DVD player and a television (Page 3, paragraph 0033).*”

As per **claim 19**, the combination of Strierner and DeGeorge discloses “*the method*” (see rejection to **claim 9** above). DeGeorge further discloses “*said entertainment device is selected from the group consisting of a DVD player and a television (Page 3, paragraph 0033).*”



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5. **Claims 2, 6, and 10-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Striemer (Patent Number US 6,931,463 B2) and DeGeorge (Publication Number US 2003/0135868 A1) in view of Henrie et al. (Patent Number US 6,519,144 B1).

As per **claim 2**, while the combination Striemer and DeGeorge discloses “*the system*” (see rejection to **claim 1** above), the combination of Striemer and DeGeorge does not explicitly disclose physical coupling/attachment as disclosed in “*at least one of said one or more functionality devices is arranged to be attachable to the entertainment device by means of at least one of a magnetic coupling, a suction pad, an adhesive coupling and a mechanical attachment mechanism.*”

Henrie et al. explicitly disclose physical coupling/attachment as “*at least one of said one or more functionality devices (in one embodiment the cradle 2000) is arranged to be attachable to the (entertainment) device (PDA 100) by means of at least one of a magnetic coupling, a suction pad, an adhesive coupling and a mechanical attachment mechanism (the PDA 100 is physically connected to the cradle 2000 through an electrical connector 181; FIG. 11F and 13).*”

Striemer, DeGeorge, and Henrie et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the system as disclosed by the combination of Striemer and DeGeorge with physical coupling/attachment as disclosed by Henrie et al., since such attachments can not only ensure that a user has all the necessary equipment without

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concern for a missing component, but also ensure greater security (as wireless signals can be intercepted by outside parties) and less interference, as opposed to wireless signal interfacing.

As per **claim 6**, while the combination of Strierner and DeGeorge discloses “*the system*” (see rejection to **claim 1** above), the combination of Strierner and DeGeorge does not explicitly disclose “*said one or more functionality devices are activated in response to actuation of a switch or button on the device,*” which Henrie et al. discloses as “*said one or more functionality devices are activated in response to actuation of a switch or button on said functionality devices (the cradle 2000 contains a hot synch button which, when pressed, provides for 'Hot Synch' enablement of the cradle 2000; Column 11, lines 22-27).*”

Strierner, DeGeorge, and Henrie et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the system as disclosed by the combination of Strierner and DeGeorge with device activation through a button or switch as disclosed by Henrie et al., which gives the user more control and flexibility with regard to device/peripheral activation as opposed to having the system automatically do so. Furthermore, such user-determined activation can also allow for the saving of electrical power on the device/peripheral if such device/peripheral runs on a battery. The button/switch is press/actuated only when the user actually needs/desires to operationally connect the device/peripheral.

As per **claim 10**, while the combination of Strierner and DeGeorge discloses “*the method*” (see rejection to **claim 9** above), the combination of Strierner and DeGeorge does not explicitly disclose “*close spatial proximity corresponds to physical contact between said entertainment device and said at least one functionality device,*” which Henrie et al discloses as “*close spatial proximity corresponds to physical contact between said entertainment device and said at least one functionality device (the PDA 100 is physically connected to the cradle 2000 through an electrical connector 181; FIG. 11F and 13).*”

Strierner, DeGeorge, and Henrie et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by the combination of Strierner and DeGeorge with physical coupling/attachment as disclosed by Henrie et al. (see rejection to **claim 2** above for motivation).

As per **claim 11**, while the combination of Strierner and DeGeorge discloses “*the method*” (see rejection to **claim 9** above), the combination of Strierner and DeGeorge does not explicitly disclose “*said at least one functionality device is attached to the entertainment device by means of at least one of a magnetic coupling, a suction pad, an adhesive coupling and a mechanical attachment mechanism,*” which Henrie et al. discloses as “*said at least one functionality device is attached to the entertainment device by means of at least one of a magnetic coupling, a suction pad, an adhesive coupling and a mechanical attachment mechanism (the cradle 2000 contains a hot*

***synch button which, when pressed, provides for 'Hot Synch' enablement of the cradle 2000; Column 11, lines 22-27).***

Strierner, DeGeorge, and Henrie et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by the combination of Strierner and DeGeorge with physical coupling/attachment as disclosed by Henrie et al. (*see rejection to claim 2 above for motivation*).

6. **Claims 14 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Strierner (Patent Number US 6,931,463 B2) and DeGeorge (Publication Number US 2003/0135868 A1) in view of Silvester (Publication Number US 2003/0068034 A1).

As per **claim 14**, while the combination of Strierner and DeGeorge discloses “the system” (*see rejection to claim 5 above*), Silvester discloses the idea of latent functionality features being present in an entertainment device that are augmented by upgrade modules as “*wherein the one or more additional functionality features are latently present in said entertainment device and access to said additional functionality is available while one or more functionality devices are attached (modules may provide added functionality such as additional memory, additional processing, and the like (Abstract; Lines 3-6). The use of the term “added” indicates augmentation of current functions in the device, such as memory and processing in this instance).*”

Strierner, DeGeorge, and Silvester are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by the combination of Strierner and DeGeorge with elements of Silvester, which notes that when a user decides to upgrade to a more advanced device, the existing device becomes largely useless. This is compounded by the fact that the resale value of basic devices is relatively limited [**Page 1, paragraph 0002**]. Hence, in order to prolong the lifespan of the basic device and have the basic device remain useful to the user in the face of increasing technological advancement, the use of modules that augments the basic device can be of great use.

As per **claim 17**, while the combination of Strierner and DeGeorge discloses “*the system*” (see rejection to **claim 5** above), Silvester discloses “*wherein the one or more additional functionality features are made available to said entertainment device from an external storage medium after attachment of the one or more functionality devices (the card 66 contains a storage 58 that includes software; Page 1, paragraph 0016; FIG. 3).*”

Strierner, DeGeorge, and Silvester are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by the combination of Strierner and DeGeorge with elements of Silvester, which notes that when a user decides to upgrade to a more advanced device, the existing device becomes largely useless. This is

compounded by the fact that the resale value of basic devices is relatively limited [**Page 1, paragraph 0002**]. Hence, in order to prolong the lifespan of the basic device and have the basic device remain useful to the user in the face of increasing technological advancement, the use of modules that augments the basic device can be of great use.

7. **Claims 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Strierner (Patent Number US 6,931,463 B2) and DeGeorge (Publication Number US 2003/0135868 A1) in view of Kelley et al. (Publication Number US 2004/0253944 A1).

As per **claim 15**, while the combination of Strierner and DeGeorge discloses “*the system*” (see rejection to **claim 1** above), Kelley et al. discloses “*wherein a set of user preferences for an entertainment device is included on said one or more functionality devices (the RF-ID device is programmed to store the user preferences; Page 4, paragraph 0047).*”

Strierner, DeGeorge, and Kelley et al. are analogous art in that they are from the same field of device interfacing, particularly of peripheral devices to a main device.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method as disclosed by the combination of Strierner and DeGeorge with elements of Kelley et al., which notes that it is desirable to provide a way for users to upgrade the capability of their devices (in this case phones) without having to purchase an entirely new replacement phone [**Page 1, paragraph 0005**]. Furthermore, by including user preferences the user can utilize any similar device without being tied to one particular device [**Page 4, paragraph 0047**].

As per **claim 16**, the combination of Striemer, DeGeorge, and Kelley et al. discloses “*the system*” (see rejection to **claim 1** above). Kelley et al. further discloses “*wherein said set of user preferences is transferable to a new entertainment device after relocating said one or more functionality devices to said new entertainment device (Pages 4-5, paragraph 0047).*”

### **CLOSING COMMENTS**

#### ***Conclusion***

8. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY YU whose telephone number is (571)272-9779. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TARIQ HAFIZ can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/H. Y./  
Examiner, Art Unit 2182  
February 12, 2010

/Tariq Hafiz/  
Supervisory Patent Examiner, Art Unit 2182